

David M. Poore, SBN 192541
Scott A. Brown, SBN 177099
dpoore@kahnbrownlaw.com
KAHN BROWN & POORE LLP
110 Kentucky Street
Petaluma, California 94952
Telephone: (707) 763-7100
Facsimile: (707) 763-7180

Attorneys for Plaintiffs and Proposed Class

Andrew H. Baker
abaker@beesontayer.com
Beeson, Tayer & Bodine
1404 Franklin Street, 5th Floor
Oakland, CA 94612
Telephone: (510) 625-9700 ext. 300
Facsimile: (510) 625-8275

Attorneys for Defendants
Teamsters Local 856, Joseph Martinelli

Richard Gibson, Esq.
rgibson@teamsters.org
International Brotherhood of Teamsters
25 Louisiana Ave., NW
Washington, DC 20001
Telephone: (202) 624-6940

Attorneys for IBT, *Pro Hac Vice*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN PAULSEN; et al, on behalf
themselves, and on behalf of all others
similarly situated,

Plaintiffs,

v.

LOCAL NO. 856 OF INTERNATIONAL
BROTHERHOOD OF TEAMSTERS;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; JOE MARTINELLI; and
DOES 1 through 50, inclusive,

Defendants.

Case No. C08-3109 EDL

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE**

1 IT IS HEREBY STIPULATED AND AGREED UPON by the parties and their respective
2 counsel of record that the Initial Case Management Conference (“CMC”), presently set for
3 October 31, 2008 at 10:00 a.m. be continued for a period of approximately three to four weeks to
4 allow the Court to issue a ruling on the pending Motions to Dismiss, and provide the parties an
5 opportunity to prepare an Initial CMC Statement and Discovery Plan once the Court rules upon
6 the motions. Defendants currently have hearings on their Motions to Dismiss scheduled for
7 October 31, 2008. Until the motions are ruled on, it would be difficult for the parties to separate
8 the issues to address before the court in a Case Management Conference. The parties have also
9 agreed to extend the time for filing initial disclosures in accordance with the new Case
10 Management Conference date.

11 Good cause exists to continue the Case Management Conference on the following
12 grounds. First, the parties’ attorneys recently attended a meet and confer conference to develop a
13 Joint Case Management Conference. However, the attorneys were unable to complete the meet
14 and confer conference as the status of the pleadings is unclear in light of the pending Motions to
15 Dismiss. In particular, the parties were unable to discern what pertinent factual and legal issues
16 will be in dispute in this litigation as the outcome of the pending Rule 12 motions may alter the
17 number of the causes of action, or the number of defendants in this case. Second, the parties were
18 unable to develop a joint Discovery Plan as the claims may be impacted by the pending motions.
19 As a result, the preparation of a Joint CMC Statement and Discovery Plan would be premature
20 until the ruling on the Motions to Dismiss. Finally, the parties are not making this request for any
21 improper purpose, including delay. Instead, the parties are making this request in order to
22 promote judicial economy, including avoiding an unnecessary Initial CMC hearing in which the
23 parties are unable to address the pertinent issues to develop a discovery plan and narrow the
24 factual and legal issues for discovery and trial.

25 ///

26 ///

27 ///

SO STIPULATED.

Dated: October 24, 2008

KAHN BROWN & POORE LLP

/s/ *David M. Poore*

David M. Poore
Attorneys for Plaintiff

Date: October 24, 2008

BEESON, TAYER & BODINE

/s/ *Andrew H. Baker*

Andrew H. Baker
Attorneys for Defendants
Teamsters Local 856, Joseph Martinelli, and
Local Counsel for IBT

Date: October 24, 2008

International Brotherhood of Teamsters

/s/ *Richard Gibson*

Richard Gibson
Attorneys for Defendants
International Brotherhood of Teamsters, *Pro*
Hac Vice

///

///

///

///

///

///

///

///

///

///

[PROPOSED] ORDER

IT IS SO ORDERED. The Court finds that good cause exists to continue the Initial Case Management Conference. The Initial Case Management Conference is continued from October 31, 2008, to November 25, 2008, at 10:00 a.m.m. in Courtroom E, 15th Floor, San Francisco, California.

Dated: October 27, 2008

HON. ELIZABETH D. LAPORTE

